December 28, 2009

Federal Election Commission

Office of the General Counsel

999 E Street, NW

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00442

Washington, DC 20463

MUR# 6246

Dear Sir or Madam:

I am writing to you to inform you of campaign election campaign fraud that I was asked to participate in by my former employer Charles Christopher Brennan a resident of Las Vegas, NV. At the time of the request made by Charles Brennan to me Kjelden Cundiff to violate campaign election law I held an executive position titled National Director of Compliance with a company Dollar Loan Center, LLC of which he was the majority owner.

On October 21st, 2008 I received an email from our company president Bruce Cooey notifying me that a politician running for a congressional seat in the State of Nevada named Jon Porter would be visiting one of our stores in Las Vegas as well as our corporate office in Las Vegas where I worked from. This was not unusual as politicians have toured our offices before and it was my responsibility to make sure that the general appearance of the office and staff was clean and organized.

At approximately 5pm on October 21st 2008 I received a call from Mr. Charles Brennan asking me to have both myself and my wife write out checks from our personal bank accounts made payable to Jon Porter for Congress in the amount of \$2,300.00 (Two thousand three hundred dollars and no cents) and to bring the personal checks to the office with me the following morning. Charles Brennan then said that he would give me cash in same amount as the checks to put back into our personal bank accounts. Mr. Brennan then added that his mom and dad and a bunch of other people were doing it as well. I was both puzzled by the request and speechless as Charles Brennan abruptly ended the call.

The nature of the request seemed to be somewhat "fishy" to me so I immediately consulted with a confident about the request and asked for his advice and whether he thought this was legal. He said he wasn't sure and gave me no further direction.

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I called Charles Brennan back on my work issued cell phone to his cell phone number at approximately 5:30pm PST on that same day October 21, 2008 and told him that I was not comfortable in participating in his request because I thought it sounded illegal because if it wasn't I had access to company operating account checks and could write a check from the company account. Mr. Brennan made it clear that he was aware at that point that there was a maximum amount that could be donated by an individual and that writing a check from the Dollar Loan Center operating account was not an option. Charles Brennan then proceeded to say in a harsh and angry tone; "you're a fucking faggot, I'll just get somebody else to do it" and then hung up the phone on me.

The entire incident was extremely upsetting to me for a number of obvious reasons. I went home that evening and wrote out a memo detailing everything that had occurred in case I would somehow be terminated by Charles Brennan for not participating in the requested illegal activity.

The following morning I researched Mr. Brennan's campaign contribution request on the Internet and confirmed my suspicions that the requested act by Charles Brennan was in fact illegal and had I participated I would have been an accomplice to the criminal act. I learned that the exact same activity I had been requested to participate in had been prosecuted by the Justice Department previously and that I would have been a "straw donor". I also learned of the severity of the offenses through a news article detailing the crimes committed by a gentleman named Berek Don of New Jersey, which resulted in an eleven year prison sentence and a \$600,000 fine.

Due to a number of circumstances that I won't detail in this letter I am no longer an employee of Dollar Loan Center nor associated with Mr. Charles Brennan. I will not subject myself to assisting in the carrying out of illegal activities for any employer. The fact that I was subsequently chastised for refusing to participate and made to feel that my job was in jeopardy complicated this matter further. The decision to come forward and act as a whistle blower on not only this act but other acts which I deem to be illegal during my employment under Charles Brennan has resulted in severe financial hardship to my family and myself and a fear of reprisal and bodily harm that he may attempt to seek in an act of revenge upon myself or my family.

Coincidentally Charles Brennan appears to have done exactly what he said he would do and found other parties like his parents as he said he would to use in his scheme to make illegal campaign contributions. With a limited amount of time spent researching the Jon Porter campaign election contributions I found that 2 days after the request by Charles Brennan for my wife and I to make contributions that would be reimbursed with cash that both of his parents contributed the maximum of \$2300.00 to the Jon Porter political campaign. What makes this even more suspicious is that there is no record that either one of them having ever made a campaign contribution to a US Congressman and suddenly made the same maximum amount contribution that Charles Brennan had asked me to make. Furthermore they are listed as owners of Charles Brennan's company Dollar Loan Center, LLC as their occupation which is also a falsehood.

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I also noted that the company president of Dollar Loan Center, LLC Bruce Cooey and his spouse Carla Cooey also contributed the maximum of \$2300.00 each to the campaign despite never having donated to a congressional race previously in their lifetimes and even more suspiciously that they donated to a campaign in the State of Nevada despite being residents of South Dakota. This donation also was made coincidentally only a few days after the request by Charles Brennan for my wife and I to act as "straw donors".

I also noted that Charles Brennan also gave the maximum individual contribution of \$2300.00 to the campaign fund of Jon Porter.

I am attaching print outs from the FEC website showing the documented donations listed above. I have no further proof of the allegations but hope that a thorough investigation will unveil the truth.

No doubt Mr. Brennan will deny the allegations contained in my complaint but a review of the phone records for the stated date of October 21, 2008 will support my claims of when the calls occurred.

I would appreciate that you take this request to conduct a full investigation seriously as Charles Brennan is only emboldened to commit other illegal activity so long as activities like this go unpunished.

I declare under the penalty of perjury under the laws of the United States and the State of Florida that the foregoing is true and correct to the best of my knowledge.

DATED this _____ day of December, 2009.

KJELDEN CUNDIFF

SUBSCRIBED and SWORN to before me this 29 day of December, 2009.

NOTARY PUBLIC

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My Commission Expires: Fル 9, 2010



Campaign Finance Law 2002: CHART 2-B: CONTRIBUTION AND SULICITATION ... rage 1 of 14

See Newsler Contribution in Names of Another

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Help with Reporting and Compliance

Law & Regulations

Commission Calendar

Meetings and

Enforcement

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Matters

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Filing a Complaint

Published in June 2008

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Introduction

The Federal Election Commission frequently receives questions about how to file a complaint concerning possible violations of federal election campaign laws, 1 This brechure explains how to file a complaint with the Commission and describes how complaints are processed.2

I. Filing a Complaint

Any person may file a complaint if he or she believes a violation of the Federal rwy purson may me a companie of ne or me believes a violation of the Federal Election Compaign Laws or Commission regulations has occurred or is about to occur. The complaint must be made in writing and sent to the Office of General Counsel, Federal Election Commission, 959 E Street, N.W., Washington, D.C. 20463. The original must be submitted along with three copies, if possible. Fuculmile or e-mail transmissions are not acceptable. A complaint must comply with cartain requirements. It must:

- Provide the full name and address of the person filing the complaint (called the complaint); end
 Be signed, seem to and naturized. This means that the natury public's certificate must say."...signed and evern to before me...," or words that connote the complaint was affirmed by the complainent, (such as "under connote the complete penalty of perjury").

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Furthermore, in order for a complaint to be considered complete and proper, it

- Clearly racks the facts that show executic violations under the Commission's jurisdiction (citations to the lew and regulations are not

- recessivy;

 Clearly Identify each person, committee or group that is alleged to have committed a violation (called the respondent);

 Include any documentation supporting the allegations, if available; and

 Differentiate between statements based on the complainent's (the person who files the complaint) personal knowledge and those based on information and belief. Statements not based on personal knowledge should identify the source of the information.

For self-reported complaints (called "sus sponte" submissions), the submission should include an admission of the violation(s), a complete recitation of the facts along with all relevent documentation that explains how the violation was discovered, the internal actions that were taken in response to the violation and what other apencies, if any, are investigating the violation (or facts surrounding the violation).

The Commission seeks to increase the number of self-reported submissions in The Commission seeks to increase the number of self-reported submissions in order to expedite enforcement of the law. To encourage self-reporting, the Commission will generally negotiate penalties between 25 and 75 percent lower than those for meters arising by other means, such as through complaints or the Commission's ewn review of reports. In certain circumstances, the Commission may allow committees who voluntarily report their violations and make a complete report of their internal investigation to proceed directly into conclistion before the Commission makes a finding as to whether there is reason to believe the commission violated company finance laws or Commission regulations. 3

II. Complaint: Early Stages

Receipt of Complaint

The Office of General Counsel (OGC) reviews each complaint to determine whether it states a violation within the jurisdiction of the Commission and satisfies the above criteria for a proper complaint. If the complaint does not meet these requirements, OGC notifies the complainent of the deficiencies.

Once a complaint is deemed sufficient, OGC essigns it a Natter Under Review (NUR) number, acknowledges receipt of the complaint and informs the complainent that the Commission will notify him or her when the entire case is resolved. Until then, the Commission is required by law to keep its actions regarding the NUR confidential.

Notice to Respondent

Within 5 days after receiving a proper complaint, OGC sends each respondent a copy of the complaint and a description of the Commission's compliance procedures. The respondent has 15 days from the date of receipt to respond in writing, explaining why no action should be taken. In the case of a complaint that does not satisfy the requirements (see above), the respondent nevertheless receives a copy of the complaint and a letter explaining that the complainent has 15 days to correct the complaint. If the complainent corrects and reflect the complaint, the respondent is sent a copy of the corrected complaint and is given 15 days to submit a response to the Commission.

Respondent's Counsel '1.

A respondent who wants to be represented by legal counsel must inform the Commission by sending a "atatement of designation of counsel." This document, signed by the respondent, must include a statement authorizing the counsel to receive all communications from the Commission on behalf of the respondent and include the counsel's name, address and talephone number. Once the Commission receives the "atatement of designation of counsel," the agency will communicate only with the counsel unless otherwise authorized by the respondent.

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III. Commission Action

Case Processing

After the 15-day response period has dispend, OGC evaluates the case using objective criteria approved by the Commission under its enforcement priority system. Cases are prioritized and maintained in the Office of Complaints Examination & Legal Administration or in some instances are referred to either the Alternative Dispute Resolution Office or the Administrative Pine Program. Cases werranting further OGC examination are assigned to attorneys in the Enforcement Division. Cases not werranting the further use of Commission resources are recommended for dismissel.

Initial Vote to Proceed (Reason to Believe)

With regard to each case that is essigned to an attorney, the General Counsel reports to the Commission and recommends whether or not there is "reason to believe" the respondent has committed or is about to commit a violation of the law. The Commissioners, however, make the final decision by voting for or against a "reason to believe" recommendation (four affirmative votes are required to go ferward with any enforcement action).4 In casting their votes, the Commissioners consider the complaint, the respondent's reply, relevant committee reports on the public record, other available information on the public record and the General Counsel's analyses and recommendations.5

In the initial stages of the process, the Commission will take one of the following actions:

- Find reason to believe;
 Diamies the matter;
 Otemies the metter, but send an admonishment letter; or
 Find no reason to believe.6

If the Commission decides there is "no reason to believe" a violation has occurred or is about to occur with respect to all of the allegations, or if the Commission discusses the matter, the case is closed and the peries involved are notified. If, on the other hand, the Commission finds that there is "reason to believe" the respondent has violated or is about to violate the law, the Commission may either open an investigation or enter directly into conclistion discussions (see "Early Resolution of Complaint" below).

Early Resolution of Complaint (Pre-Probable Cause Conciliation)

Prior to, or in lieu of, investigation and before the Commission made the respondent the General Counsel's brief containing probable causes recommendations, the respondent may submit a written request that the matter be resolved through pre-probable cause conclistion negotiations. 7 The respondent must reply to the General Coursel's invitation to enter into such negotiations within seven days of the receipt of the offer. Pre-probable cause discussions, which are limited to 40 days (absent an extension), may result in a conclistion agreement between the respondent and the Commission, thereby resolving the matter. (See Thesplution of Complaint' section for description.)

If regotiations do not resolve the metter, however, the Commission sends the respondent a probable cause brief. The respondent has 15 days to submit a ruply brief. (See "General Counsel's Striet" section for description.)

Investigation e e talia ta 🔒

At the beginning of an investigation, the Commission sends a letter notifying the respondent of the "mason to believe" finding. If The letter informs the respondent of the opportunity, to pulsmit a written reply and may include

Pale sale.

http://www.fec.gov/pages/brochures/complain.shtml

12/27/2009

questions for the respondent to answer. As part of its investigation, the Commission may issue orders requiring sworn written answers and subposess requiring a person to testify or to produce documents. If necessary, the Commission may sak a federal district court to enforce these orders and subposes. The investigation may also include less formal procedures, such as investigative interviews, and it may involve parties other than the respondent (s) who may have information partinent to the complaint. The investigation may also include an audit of the respondent.

General Councel's Brief

After the investigation is completed, the General Council prepares a brief that explains the factual and legal leaves of the case and recommends whether the Commission should find there is "probable cause to believe" a violation has occurred or is about to occur. The respondent is sent a copy of the brief and has 15 days to file a reply brief explaining the respondent's position.

Probable Cause Hearing

In October 2007, the Commission made permanent a program under which respondents in enforcement matters may request a hearing to present oral arguments directly to the Commission prior to a finding of probable cause. Such a hearing may be requested by the respondent in his or her reply brief. The request for a hearing is optional, and the respondent's decision to request one will not influence the Commission's decision regarding a probable cause finding.9

Vote on Violetions (Probable Cause to Believe)

After reviewing the briefs of both the General Counsel and the respondent, the Commission votes on whether there is "probable cause to believe" that a violation has occurred or is about to occur (four affirmative votes are required). 10 If the Commission decides there is "no probable cause to believe," the case is closed and the parties are notified. If the Commission determines that there is "probable cause to believe" the law has been violated, the General Counsel attempts (for at least 36 days but not more than 90) to correct or prevent the violation through informal methods of conciliation, i.e., by entering into a written conciliation agreement with the respondent.

Resolution of Complaint (Conciliation Agreement)

If the General Counsel and the respondent negotists a conciliation agreement, the written agreement becomes effective ence it is approved by the affirmative vote of four Commissioners and signed by the respondent and the General Counsel. Generally, the agreement includes a description of the facts and the law, admissions of the violations by the respondent, restrictions on future conduct or remedial actions the respondent must take and a provision for the payment of a civil penalty by the respondent. The General Counsel sends a copy of the signed agreement to the respondent and, when the case is closed, to the completent as well. If conditation does not result in an agreement within the 90-day period, the Commission may file suit against the respondent in federal district court.

IV. Complainant's Recourse

A complement who disagrains with the Commission's dismissed of a complaint or who believes the Commission felled to act in a timely manner may file a public in the U.S. District Court for the District of Columbia. In the case of a Commission dismissed, the justifien has to be filed within 60 days after the date of the dismissed. 2 N.S.C.,§437g(a)(6) [PDF].

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V. Confidentiality

To protect the interests of those involved in a complaint, the law requires that any Commission action on a MUR be kept strictly confidential until the case is resolved. These provisions do not, however, prevent a complainent or respondent from disclosing the substance of the complaint itself or the response to that complaint or from engaging in conduct that leads to the publication of information contained in the complaint, 11. Revertheless, information about a Commission notification of findings or about a Commission investigation may not be disclosed, unless the respondent weives his or her right to confidentiality in writing.

Because the public has the right to know the subcome of any enforcement proceeding, a radiated case file is made available to the public in the Press Office and the Office of Public Records within 30 days after the parties involved have been notified that the entire case has been closed. Closed case files are also available for review on the Commission's web site.

VI. Overview of Process and Applicable Timeframes

| Stage | Humber of Days |
|--|----------------|
| Complaint Received | • •• |
| Complaint Notification | S Days |
| Response to Complaint | 15 Days |
| Reason to Believe Finding | |
| Investigation | - * * |
| Pre-Probable Cause Conciliation | 60 Days |
| General Counsel's Brief | |
| Response to General Counsel's Brief | 15 Days |
| Probable Cause to Balleve | |
| Probable Cause to Believe Concillation | 30-90 Days |
| Disposition | |

VII. For More Information

For more information on how to file a complaint, call the Office of Complaints Examination & Legal Administration Division (202/694-1650). All made inquiries and questions concerning the status of a complaint should be directed to the Press Office (202/694-1220). Both offices can slee be reached, toll free, at 800/424-9530.

FOOTNOTES:

1 See 2 V.S.C. §437g [PDF] and 1,1 CFR 111.

2 Enforcement proceedings originate in other ways as well. For example, other federal agencies sometimes rafer an enforcement matter to the Commission; and the Commission itself may initiate enforcement proceedings based on information gethered in the normal course of its supervisory functions, such as reviewing reports or conducting field audits.

In addition, a matter may enter the enforcement process through a selfreporting or sun sponta letter, that is, a letter sent by an entity who violates the law and notifies the Commission of the facts of the violation. In some cases, filling sue sponts may serve as a mitigating circumstance when the Commission considers the matter depending upon a number of factors, such as whether the

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self-reporting was timely; whether the compleint was complete; whether other agencies (including the Reports Analysis Division and the Audit Division of the Federal Election Commission) are already investigating the facts surrounding the underlying violations; and the type of controls that were in place at the time of the violations and those controls that are to be implemented to avoid future violations.

- 3 In April 2007, the FEC Issued a Policy Statement regarding self-reporting of campaign finance violations.
- $4~\mathrm{A}$ complaint may allege several violations, in which case the Commission votes on each allegation separately.
- S At any point during the compleint precess, however, the Commission has the discretion to take no further action in a particular matter.
- 6 In Merch 2007, the FBC issued a Policy Statement regarding Commission action in matters at the initial stage in the enforcement process to disrify the various actions the Commission may take when beginning the enforcement process.
- 7 In some cases, where sufficient information is already known, the Commission proposes a written conciliation agreement (see "Resolution of Complaint" section for description) to resolve the matter at the same time it notifies the respondent of the "resson to believe" finding.
- 8 In certain circumstances, the Commission will take the initiative to offer a written pre-probable cause agreement to the respondent.
- 9 Click here to view the procedural rule regarding Probable Cause Hearings.
- ${\bf 10}$ If several violations are alleged, the Commission votes on each one separately.
- 11 See Advisory Opinions 1994-32 and 1995-1.

This publication provides guidance on certain espects of federal campaign finance law. This publication is not intended to replace the law or to change its meeting, nor does this publication create or confer any rights for or on any person or bind the Federal Election Commission (Commission) or the public. The reader is encouraged also to consult the Federal Election Campaign Act of 1971, as amended (2 U.S.C. 431 et eag.), Commission regulations (Title 11 of the Code of Federal Regulations), Commission advisory opinions, and applicable court decisions. For further information, please contact:

Pederal Maction Commission 998 E Street, MW Westington, DC 20463 (900) 424-9530; (202) 694-1100 info@fac.gov www.fec.gov

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Individual Contributions Arranged By Type, Giver, Then Recipient

Contributions to Political Committees

COOEY, CARLA SIOUX FALLS, SD 57103

PORTER, JON C SR VIA PORTER FOR CONGRESS

 10/27/2008
 -2300.00
 28993664345

 10/27/2008
 4600.00
 28993664345

Total Contributions: 2300.00

TRY A: NEW QUERY

RETURN TO: FEC HOME PAGE

Individual Contributions Arranged By Type, Giver, Then Recipient

Contributions to Political Committees

BRENNAN, JUDI LAS VEGAS, NV 89143 DOLLAR LOAN CENTER/OWNER

PORTER, JON C SR VIA PORTER FOR CONGRESS

> **10/23/2008** -2300.00 28993664341 **10/23/2008** 4600.00 28993664341

Total Contributions: 2300.00

TRY A: NEW QUERY
RETURN TO: FEC HOME PAGE

Individual Contributions Arranged By Type, Giver, Then Recipient

Contributions to Political Committees

BRENNAN, ROBERT LAS VEGAS, NV 89143 DOLLAR LOAN CENTER/OWNER

PORTER, JON C SR
VIA PORTER FOR CONGRESS
10/23/2008 2300.00

28993664342

Total Contributions: 2300.00

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Individual Contributions Arranged By Type, Giver, Then Recipient

Contributions to Political Committees

BRENNAN, CHARLES LAS VEGAS, NV 89131

PORTER, JON C SR

VIA PORTER FOR CONGRESS

12/15/2008 -2300.00

29990825332

BRENNAN, CHARLES LAS VEGAS, NV 89131 DOLLAR LOAN CENTER/OWNER

PORTER, JON C SR

VIA PORTER FOR CONGRESS

10/21/2008 4600.00 28993664340

BRENNAN, CHARLES LAS VEGAS, NV 89131

DOLLAR LOAN CENTER/PRESIDENT

HELLER, DEAN

VIA HELLER FOR CONGRESS

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| 06/30/2006 | 2100.00 | | 26950255907 |
| 06/29/2008 | -2300.00 | | 28991466472 |
| 06/29/2008 | 2300.00 | | 28991466472 |
| 06/29/2008 | 4600.00 | | 28991466472 |

Total Contributions: 11100.00

TRY A: NEW QUERY

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